

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION

DAVID DAVIS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION NO. 3:06-cv-00544-WHA
	)	
PHENIX CITY, ALABAMA, <u>et al.</u>	)	
	)	
	)	
Defendants.	)	
_____	)	

**PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT**

Pursuant to Rule 56(a) and (c) of the Federal Rules of Civil Procedure, plaintiff David Davis respectfully submits this motion for partial summary judgment with respect to defendants' liability for imposing policies and practices which, on their face and as applied, impose unconstitutional prior restraints on his First Amendment rights of free speech and free association (Count IV in the plaintiff's Amended Complaint). Plaintiff has filed a brief in support of this motion together with the sworn Declaration (with attached Exhibits) of Plaintiff Davis and the Declaration of Thomas Malone (with Exhibits). In addition, plaintiff has submitted the initial and supplemental depositions of defendants City Manager H.H. Roberts, and Fire Chief Wallace Hunter; the initial and supplemental depositions of Mayor Jeffrey Hardin; the depositions of City Council members Arthur L. Sumbry and Lloyd Ray Bush; and the depositions of City Personnel Director Barbara Goodwin and Deputy Chief Roy Waters.

Respectfully submitted,

/s/ Thomas A. Woodley

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Counsel for Plaintiff

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PHENIX CITY, ALABAMA, <u>et al.</u>	)	Judge W. Harold Albritton
	)	
Defendants.	)	
_____	)	

**CERTIFICATE OF SERVICE**

This is to certify that on December 7, 2007, I electronically filed Plaintiff's Motion for Partial Summary Judgment; Plaintiff's Memorandum of Points and Authorities in Support of Plaintiff's Motion for Partial Summary Judgment; Declaration of David Davis with Exhibits; initial and supplemental depositions of City Manager H.H. Roberts, and Fire Chief Wallace Hunter; the initial and supplemental depositions of Mayor Jeffrey Hardin; the depositions of Arthur L. Sumbry, and Lloyd Ray Bush; and the depositions of City Personnel Director Barbara Goodwin, and Deputy Chief Roy Waters. with the Clerk of the Court using the CM/ECF system which will send notification of such filing as well as sending a copy by regular U.S. mail to defendants' counsel:

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/s/ Thomas A. Woodley

Thomas A. Woodley  
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